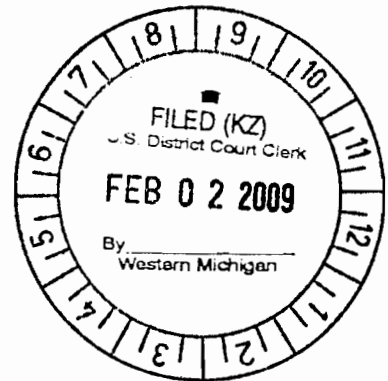


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



IN RE: MASON

WITNESS: MARIE MASON

PROCEEDINGS before Grand Jury No. 07-2, before
Judith A. Rowley, CSR, Certified Shorthand Reporter, Notary
Public in and for the County of Ionia, acting in the County
of Kent, Michigan, in the Grand Jury Room, Ford Federal
Building, Grand Rapids, Michigan, on Tuesday, January 27,
2009 at 3:20 p.m.

APPEARANCE:

HAGEN FRANK
Assistant United States Attorney
U.S. Attorney's Office
Western District of Michigan
330 Ionia, N.W.
Grand Rapids, Michigan 49503

Judith A. Rowley
Certified Court Reporter

1 Grand Rapids, Michigan

2 January 27, 2009

3 3:20 p.m.

4 - - - -

5 M A R I E M A S O N

6 called as a witness and sworn by the Grand Jury Foreperson,
7 was thereafter examined and testified as follows:

8 E X A M I N A T I O N

9 BY MR. FRANK:

10 Q Ms. Mason, you have sort of a soft voice. If you would
11 make sure to speak into the microphone.

12 A I'll try.

13 Q In an investigation of this type it's the policy of the
14 U.S. Department of Justice to advise every witness of their
15 legal rights before testifying or before they are
16 questioned.

17 This grand jury is conducting an investigation of
18 possible violations of federal criminal laws that include
19 arson and conspiracy to commit arson. You may refuse to
20 answer any question if a truthful answer to the question
21 would tend to incriminate you. Anything you do say may be
22 used against you by the grand jury or in a subsequent legal
23 proceeding.

24 If you have legal counsel, an attorney, the grand jury
25 will permit you a reasonable opportunity to step outside the

1 grand jury room to consult with counsel if you want to do
2 that. However, you cannot have an attorney here in the
3 grand jury room.

4 Now, you do have Attorney John Minock
5 representing you, correct?

6 A Yes.

7 Q And he's just outside the grand jury room?

8 A Yes, he is.

9 Q As we go through this process if you want to take a
10 break and want to go talk to him then with the grand jury's
11 permission we will give you a reasonable opportunity to do
12 that.

13 But I do have to tell you that your at this point
14 limited right to consult with counsel will not allow
15 unreasonable delay of grand jury proceedings. So you can't
16 go see him after every question. It would be more like
17 every 15 or 20 minutes. If you want to take five minutes
18 then the grand jury would most likely allow to you do that.

19 A I'm sorry. That's not how it was explained to me. I
20 can't tell without knowing the question whether I need to
21 consult.

22 Q I understand. I am just saying there is no
23 carved-in-stone standard. But you are not going to be
24 allowed to talk to him after every single question. Okay.
25 That said, if you do want to speak to him then let us know

1 and we will address it on a case by case basis. Okay.

2 Now, I have advised you of your rights in front
3 of this grand jury. I have told you you have the
4 right to refuse to answer any questions that may
5 tend to incriminate you.

6 I should tell you that you are a target of this
7 investigation. The Justice Department defines a
8 target as someone who is linked to the commission of
9 a crime by substantial evidence in the view of the
10 prosecutor, which is me, you are considered a
11 defendant. You are already a defendant obviously in
12 a criminal prosecution.

13 A And this is different than the case that I have already
14 covered with that?

15 Q Well, no. It's not anticipated that you are going to
16 be indicted on more stuff. Okay. It's just that you are a
17 criminal defendant. You are pending sentencing. So you are
18 considered a target under the Justice Department's
19 definition.

20 So the answers that you give to questions, if
21 they tend to incriminate you, they can be used
22 against you.

23 Now, do you intend to invoke your Fifth
24 Amendment right against self incrimination in this
25 proceeding?

1 A I was planning to if it was appropriate.

2 Q Okay. Well, let's start asking some questions then.

3 As long ago as 1999 you started committing
4 criminal acts on behalf of an organization or a
5 movement called the Earth Liberation Front, right?

6 A I don't think so. I mean, I guess I would have to
7 plead the Fifth on that because I don't know how to answer
8 that question.

9 Q All right. Well, in August of 1999 you participated in
10 the arson of a couple boats; is that right?

11 A Oh, those are the ones that I -- could I consult with
12 John Minock just to make sure I understand my situation?

13 Q Well, if it's all right with the grand jury.

14 A Thank you. Just to make sure that I.

15 Q Right. You can tell him that you have not yet envoked
16 the Fifth Amendment.

17 A Right.

18 Q But I started asking questions about past criminal
19 activity.

20 A Correct. Okay. And could you specify with your
21 question so I can tell him? This is what event
22 specifically?

23 Q You can tell him that I started out asking about
24 August, '99 Escanaba, Michigan?

25 A Okay.

1 Q Arson of a couple of boats.

2 A Okay. All right.

3 Q You could tell him obviously also obviously that if you
4 answer questions there is going to be a lot more questions.

5 A Sure.

6 Q Okay.

7 (The witness left the room 3:27 to 3:31 p.m.)

8 FOREPERSON: Just a reminder that you are still
9 under oath.

10 Q Ms. Mason, let me ask you again, as far back as 1999
11 did you start engaging in criminal activity on behalf of the
12 environmental causes?

13 A On advice of my counsel I plead the Fifth Amendment.

14 Q Okay.

15 MR. FRANK: Mr. Foreperson, would you please read
16 that order to Ms. Mason?

17 FOREPERSON: The order reads, "the United States
18 Attorney for this District has by written motion
19 requested this Court to enter an order pursuant to
20 18USCS6002 and 6003 requires Marie Jeanette Mason to
21 give testimony or to provide other information at a
22 grand jury proceeding.

23 The motion is made with the approval of the Acting
24 Deputy Assistant Attorney David H. Hennessy and asserts
25 that the testimony or other information of Marie
Jeanette Mason may be necessary to the public interest
and that Ms. Mason is likely to refuse to testify or
provide other information on the basis of the privilege
against self incrimination.

The prerequisites of the applicable statutes have
been met. It is hereby ordered that in accordance
with 18 U.S. Criminal Code 6003 Marie Jeannette Mason
shall give testimony or provide other information
before the grand jury.

1 It is further ordered that any testimony or other
2 information given by Ms. Mason pursuant to this order
3 shall be subject to the immunity provision of 18 U.S.
4 Criminal Code 6002 which provides that no testimony or
5 other information compelled under this order, nor any
6 information directly or indirectly derived from such
7 testimony or other information, may be used against
8 said witness in any criminal case in which she is a
9 defendant except for a prosecution for perjury, giving
10 a false statement or otherwise failing to comply with
11 this order. Further, the application and order of this
12 Court are hereby sealed.

13 Signed Honorable Paul L. Maloney, Chief United
14 States District Judge."

15 Thank you. I have retrieved the order from the Foreman

16 and it has been marked as Grand Jury Exhibit 1. I'm going
17 to hand this to Ms. Maosn.

18 Ms. Mason, you are pretty well educated. You read
19 English just fine?

20 A I read English.

21 Q I would like you to just take a moment and read that
22 order for yourself, both pages, please.

23 For the record I have retrieved Grand Jury Exhibit 1
24 from the witness. Ms. Mason, you have just read the order
25 that was read to you by the Foreperson. Do you understand
26 what this says?

27 A I do.

28 Q And you saw that it has been signed by Honorable Paul
29 L. Maloney, Chief United States District Judge, on
30 December 15, 2008?

31 A Yes.

32 Q And you mentioned earlier that you are represented by

1 Attorney John Minock?

2 A Yes.

3 Q I would be correct that you and he have spoken about
4 this order?

5 A Yes.

6 Q Okay. Because you may not know it, but I sent this to
7 him about a month ago and informed him that I was going to
8 be calling you into grand jury today.

9 And so you have had a chance to talk to him
10 about what this order means; is that right?

11 A (Witness nodding affirmatively)

12 Q Do you understand that this order means that you do not
13 have a right under the Fifth Amendment to refuse to answer
14 questions today?

15 A I do understand.

16 Q Do you still intend to refuse to answer questions posed
17 either by me or by members of the grand jury?

18 A I do.

19 Q I'd like to take you at your word, but I'm just going
20 to ask you a couple questions anyway. Do you know an
21 individual named Jessie Waters?

22 About 10, 15 seconds has gone by. Ms. Mason, did you
23 intend to refuse to answer that question?

24 A I do.

25 Q Do you know a gentleman by the name of Joseph Frank

1 Ballinger? About ten seconds has gone by. Do you refuse to
2 answer that question?

3 A I do.

4 Q Would you please give your answer orally so that the
5 record will pick it up?

6 A I will.

7 Q Okay. The witness has indicated she does not intend to
8 answer that question.

9 How about Daniel Kruk, K-r-u-k. Do you know him? Ten
10 seconds elapsed.

11 You understood those questions, Ms. Mason?

12 A I did.

13 Q But you are refusing to answer the questions
14 notwithstanding the court's order; is that correct?

15 A I am.

16 Q If I asked questions, if I just kept asking questions
17 for the next hour, would you continue to refuse to answer
18 the questions?

19 A It's hard to know without your asking the questions.
20 But I imagine given the direction, yes.

21 Q If I were to ask you questions that you believed were
22 going to incriminate you or incriminate other people would
23 you continue to refuse to answer the questions?

24 A Yes, I would.

25 Q All right.

1 MR. FRANK: Any questions from the grand jury for

2 Ms. Mason? Negative response.

3 FOREPERSON: I guess not.

4 Q (By Mr. Frank): Ms. Mason, that concludes your

5 appearance before the grand jury today.

6 A Thank you.

7 FOREPERSON: Thank you.

8 (Witness left the room at 3:40 p.m.

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